

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. Although Applicants do not agree with the statement of the Examiner, Applicant would like to further amend the claims to more clearly describe characteristics of the present invention without adding new matter.

In this response, Applicants amend Claims 1, 3, 8, 9, and 10, and cancel Claim 13. Applicants do not add any new claims. Accordingly, claims 1-3, 5-12, and 14-20 are pending.

### **I. Claims Rejected Under 35 U.S.C. § 112, Second Paragraph**

Claims 8-11 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants amend Claim 8 to provide an antecedent basis to the terms “target wavelength channel” and “channel wavelength” as identified by the Examiner. Applicants also amend Claims 10 to correct a typographical error. As Claim 11 depends from Claim 10, the amendment to Claim 10 should obviate the Examiner’s rejection to Claim 11.

Applicants amend Claim 9 to supply the structural cooperative relationship between the optical output monitoring unit and the laser beam as required by the Examiner. For analogous reasons, Applicants also amend Claim 1 to supply the required structural cooperative relationship. Accordingly, reconsideration and withdrawal of this rejection of Claims 8-11 are respectfully requested.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 2, and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0071458 issued to Iwafuji (“Iwafuji”). Applicants respectfully traverse the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, amended Claim 1 recites “an optical output monitoring unit located within the divergence angle of the light beam for receiving a portion of the light beam and for sensing an intensity of the light beam,” “an optical wavelength monitoring unit located within the divergence angle of the light beam for receiving the other portion of the light beam not shielded by the optical output monitoring unit,” and “a temperature control means for controlling a heater and a thermistor to set an etalon to a predetermined temperature independently on the maintained temperature of laser source by the TEC, wherein the heater is attached on the filtering unit on the air gap space on the TEC and the thermistor is attached on the heater.” Applicants respectfully submit that Iwafuji at least does not teach these elements.

Iwafuji’s first optical detector 6, characterized by the Examiner as the optical wavelength monitoring unit, is located outside the main propagating path of the light beam. As shown in Iwafuji’s FIG. 9, the first optical detector 6 is positioned to receive to a split beam which defines a second propagation path. The second propagation path is separate from the main propagating path and is outside the divergence angle of the light beam emitted from the laser source. The angle between the main path and the second path of FIG. 9 cannot possibly teach the divergence angle, at least for the reason that the disclosed angle is a result of reflection instead of divergence. Thus, the first optical detector 6 is not within the divergence angle of the light beam emitted from the laser source.

Analogous discussion applies to the second optical detector 6 of Iwafuji characterized as the optical output monitoring unit. Moreover, as the first and second optical detectors are both located on a leveled surface (FIG. 9), there is no shielding of the light beam by one optical detector with respect to the other detector. Thus, Iwafuji does not teach each of the elements of Claim 1.

Moreover, there is nothing in Iwafuji that teaches the temperature control means and the heater as claimed. The Examiner characterizes the cooling element 19 and the automatic temperature control (ATC) circuit 18 as the temperature control means and the ATC circuit 18 as the heater. Iwafuji does not disclose that the temperature control means operates independently of

the TEC, or the heater is attached on the filtering unit on the air gap space on the TEC. Thus, the structure and operation of Iwafuji's system is patentably distinct from the system of Claim 1.

Claims 2 and 8 depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 1, Iwafuji does not anticipate these dependent Claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1, 2, and 8 are respectfully requested.

### **III. Claims Rejected Under 35 U.S.C. § 103**

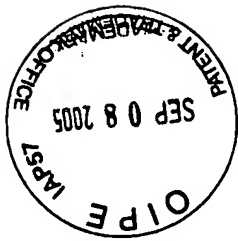
Claims 3, 5-7, and 9-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwafuji. Applicants respectfully traverse the rejection.

Claims 3 and 5-7 depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Iwafuji does not teach or suggest these dependent claims.

In regard to independent Claim 9, Claim 9 as amended recites the elements of “an optical output monitoring means located with the divergence angle of the laser beam for receiving a portion of the laser beam and for sensing an intensity of the laser beam,” “an optical wavelength monitoring means located with the divergence angle of the laser beam for receiving the other portion of the laser beam not shielded by the optical output monitoring unit,” and “a heating means for changing a temperature of the filtering means and being disposed below a bridge-shaped structure to minimize a path of a heat conduction between the heating means and an exterior.” For analogous reasons mentioned above in regard to Claim 1, Iwafuji does not teach or suggest at least these elements of Claim 9.

Claim 13 has been cancelled. In regard to Claims 10-12 and 14-20, these claims depend from Claim 9 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 9, Iwafuji does not teach or suggest these dependent claims.

The Examiner asserts that the alignment element of Claims 3, 6, 7, 9-16, 18, and 19, thermal stability of Claims 8 and 19, and horizontal adjustment of Claim 5 are well known in the art. The Examiner cites U.S. Patent No. 6,724,797 issued to Daiber and U.S. Patent No. 6,650,667 issued to Nasu et al as examples for supporting this assertion. Assuming for the sake of argument that the Examiner's assertion is valid, there is nothing in the art or the cited references that teaches or suggests each of the elements of Claims 1 and 9 for at least the reasons mentioned above. Accordingly, reconsideration and withdrawal of the obviousness rejection of 3, 5-7, 9-12, and 14-20 are respectfully requested.



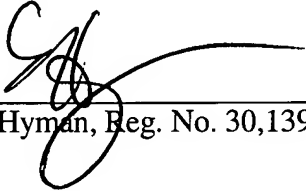
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-3, 5-12, and 14-20 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop **Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 6, 2005.

  
Bernetta L. Higgins

September 6, 2005